

Message Text

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ACTION L-02

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E.O. 11652: N/A

TAGS: CPRS, PFOR, FR

SUBJECT: EXTRADITION - HOLDER/KERKOW

REF: PARIS 5347

1. AFP FILE MARCH 8 REPORTED PRESS CONFERENCE HELD BY DEFENSE LAWYERS JEAN-JACQUES DE FELICE AND HERVE DUPONT-MONOD WHICH INDICATES GENERAL OUTLINE DEFENSE PLEA MAY BE EXPECTED TO FOLLOW. DEFENSE EMPHASIZED THAT HIJACKING WAS POLITICAL ACT.

2. HOLDER WAS DESCRIBED AS YOUNG BLACK ENLISTED IN ARMY AT AGE 17, A HERO OF VIETNAM WAR WHO LATER DESERTED TO PROTEST THE WAR. HOLDER AND KERKOW ALLEGEDLY INTENDED TO HIJACK THE AIRCRAFT TO HANOI, BUT BECAUSE EFFECTIVE RANGE OF AIRCRAFT WOULD NOT PERMIT FLIGHT OF THAT DISTANCE, THEY LANDED INSTEAD IN ALGIERS, WHERE THEY REQUESTED POLITICAL ASYLUM. HOLDER HAD INTENDED TO GIVE RANSOM TO HANOI GOVERNMENT AND VIETNAM LIBERATION MOVEMENT. INSTEAD, HE TURNED IT OVER TO ALGERIAN GOVERNMENT, WHICH RETURNED IT TO WESTERN AIRLINES.

3. ACCORDING TO LAWYERS, HOLDER "TRAUMATIZED" BY THE WAR AND SUFFERING FROM PSYCHOLOGICAL PROBLEMS, CAME TO FRANCE IN JANUARY 1974 FOR TREATMENT AT A CLINIC IN COUR-CHEVERNY. THEY STRESSED THAT HOLDER AND KERKOW
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WERE NOT ARMED, THAT THEY ALLOWED THE PASSENGERS TO

DISEMBARK BEFORE LEAVING THE UNITED STATES, AND THAT THE CREW WERE COMPOSED OF VOLUNTEERS. CITING THE FRENCH CONSTITUTION OF 1958, WHICH GUARANTEES THE RIGHT OF ASYLUM TO POLITICAL OPPONENTS THREATENED WITH PROSECUTION IN THEIR COUNTRY OF ORIGIN, MAITRE DE FELICE CLAIMED THAT TO GRANT EXTRADITION IN THIS CASE WOULD BE VIOLATION OF CONSTITUTION.

4. AFP REPORT CONCLUDES WITH STATEMENT THAT APPEAL ON BEHALF OF HOLDER AND KERKOW HAS BEEN SIGNED BY A NUMBER OF PERSONS, INCLUDING JEAN-PAUL SARTRE, ALFRED KASTLER, AND CLAUDE BOURDET.

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